

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
March 18, 2003

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:02 p.m., Tuesday, March 18, 2003, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Thomas G. Shepperd.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. Bishop Fred Reams of The Church of Jesus Christ of Latter Day Saints gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

HIGHWAY MATTERS

Mr. Steven Hicks, Resident Engineer, Virginia Department of Transportation (VDOT), appeared to report on highway matters of interest to the Board of Supervisors. He reported that VDOT is working 24 hours a day, seven days a week to repair potholes; approximately \$22 million dollars has been spent on the repairs, and over \$100 million dollars in snow removal, with more potholes still to be repaired. He reported that the right-turn lane on Route 17 at Wal-Mart had been better delineated with paint striping, and a ramp at Route 199 and I-64 has been added to the paving schedule. He noted that the environmental permit process for ditch work on Production Drive had begun. He stated a right-turn on red sign was installed at Grafton Drive, and he explained that VDOT continues to study that intersection to ensure safety. He reported that a no left-turn sign has been installed at Grafton Station Lane, and a dual-turn lane would be installed at the intersection of Denbigh Boulevard and Route 17. He told Mr. Shepperd that the citizens in the Mill Crossing area had approached him and are pleased that water is no longer standing in the ditches after rains. He stated that five projects would be advertised soon and that construction would start approximately in May.

Mr. Shepperd asked about the plans for the ditches on both sides of Calthrop Neck Road.

Mr. Hicks stated he would look into that.

Mr. Zarembo asked for an update on widening the stretch of Route 199 from Interstate 64 West to Jamestown Road. He reported a lot of construction going on in that area, perhaps in preparation for the 2007 events. He then praised Mr. Hicks for his accomplishments in the short period of time he has been with VDOT. He requested a listing of the areas where potholes have been repaired.

Mr. Wiggins suggested that the road near the railroad tracks crossing Hornsbyville and Wolf Trap Roads was dangerous. He then mentioned the confusion of the right-turn on red at the intersection of Goodwin Neck Road and Wolftrap Road, and he asked Mr. Hicks to do away with the green arrow at that intersection due to the dangers of cars right-turning on red. He suggested that Harris Grove Lane in the Edgehill subdivision was the worst road in that area and was desperately in need of repaving.

Chairman Burgett thanked Mr. Hicks for the right-turn lane painting at Wal-Mart and indicated that the area was well marked now. He mentioned the entrance to Winders Pond, off Victory Road near Old Pond Road, stating it was a rough area and also in need of repair.

PRESENTATIONS

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

Mr. Burgett introduced and welcomed H. J. (Junior) Coxton as the newest member appointed to the Industrial Development Authority of York County. He then presented Mr. Coxton with a Boards and Commissions Handbook and a York County pin.

CITIZENS COMMENT PERIOD

There were no citizens comments this evening.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett reported that the General Assembly finished its work in session and that the Governor had until Monday night to finish taking action on bills for the first time. He stated that most of the bills that the County had been looking at in the past have not been acted on. He stated he would have a report for the Board of any adverse action taken on any items of interest to the Board at the Board's next regular meeting.

Mr. Shepperd questioned some of the bills that the Board had submitted and requested a record of those. He was curious as to what the County's record was.

Mr. Barnett explained that although the County did not make many specific requests, it did better this year in its requests than in previous years. He stated he would provide Mr. Shepperd a record of the requested bills.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds announced that the Office of Economic Development had been working to develop a seminar entitled "How to Present a Winning Loan Request." He stated that the seminar would be held March 26 at 6:30 p.m. at the Yorktown Library. He then reminded the Board of its upcoming scheduled work sessions and regular meetings:

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| March 20 | 6:00 p.m. | Budget Work Session |
| March 25 | 6:00 p.m. | Budget Work Session |

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| March 26 | 7:00 p.m. | Joint Meeting with the Chairs of York County's Boards and Commissions |
| March 27 | 6:00 p.m. | (Tentative) Budget Work Session |
| April 1 | 5:30 p.m. | Budget Work Session |
| | 7:00 p.m. | Regular Meeting (Adoption of FY04 Budget, Tax Rates, and CIP for 2004-2009) |

He then mentioned correspondence in the Board's packet this evening relating to the proposed Revenue Sharing Program in conjunction with VDOT to allow cost sharing of certain transportation improvements. He asked that the Chairman be authorized to sign the letter to VDOT transmitting the recommended programs if the Board so approved.

By consensus, the Board agreed for Chairman Burgett to sign the letter.

MATTERS PRESENTED BY THE BOARD

Mr. Zaremba noted were some very interesting recommendations made by the Youth Commission during its presentation at the last regular meeting, and he suggested that the Board could evaluate the Youth Commission's recommendations. He mentioned the national news and the possibility of war and the armed forces being deployed, and he stated he thought it would be beneficial for the citizens of the County if the Sheriff and the Fire Chief could brief the County on the safety and the well being of its citizens.

Mrs. Noll asked if Chief Kopczynski could inform the public on the CERT (Community Emergency Response Team) program, which is a new program implemented by the Department of Fire and Life Safety. She noted she had met with the local delegation to discuss the NASA support team and to encourage more money for research and development of aeronautics, and she commended all the people who put in so much time to keep NASA Langley at the forefront. She stated that the congressmen and senators were very receptive, and she hoped to get the rest of the Virginia delegation on board as well.

Mr. Wiggins discussed the previous public hearings and the budget work sessions, including real estate assessments, and how no one spoke on either subject. He explained that state law requires that the County assess its real estate tax every five years; however, the County has chosen to assess property every two years. He explained that the County has not increased the tax rate, but that the appraised value has been increasing 8-9 percent per year. He stated that approximately 40 percent of the budget was provided by the businesses in the area, and the County was much more fortunate than many other counties because of the increases in property values and the additional businesses added to the County which increases revenue. In response to those at the meeting who criticized the Board's contribution to the schools, Mr. Wiggins stated the Board was committed to stronger education and was doing everything it could to see to that. He discussed some of the complaints received in relation to the school's budget.

Mr. Shepperd reminded the public that the applications for next year's Youth Commission are due March 27. He noted he had attended the York County Transportation Safety Commission meeting, which was also attended by Steve Hicks from VDOT. He stated that Mr. Hicks discussed a state grant that provided a way of fixing dangerous intersections, and he asked that the County and Sheriff's Department offer input regarding dangerous intersections. He an-

March 18, 2003

nounced on April 28 at 7:00 p.m. at the Tabb Elementary School gymnasium he would hold a District 5 Town Meeting, and he outlined some of the topics for the meeting. He apologized for missing the presentation on the budget, but stated he reviewed on tape the comments made by the public. He mentioned the fiscal responsibilities of the County and stated that the Board members were advocates of the schools and that they do everything they can; but they have fiscal responsibilities that they have to be able to afford.

Chairman Burgett reported he had attended the Peninsula Mayors and Chairs Military Commanders breakfast hosted by the Peninsula Chamber of Commerce. He stated he met with Mayor Zeidler from Williamsburg and Jay Harrison, Chairman of the James City County Board of Supervisors, when they discussed items of mutual interest for the historic triangle. He mentioned that an expert on corridor beautification would be consulted at a meeting to be held by the Regional Issues Committee in Williamsburg and that all Board members are invited to attend the meeting. He reported on the joint meeting with the Industrial Development Authority, and he spoke of the budget public hearing held last week, stating the Board was very much in support of the school system. He stated the County funds and looks for extra money for the School Board, whose budget was 99.8 percent funded this year, and of which the County found an extra \$254,200 more than what the schools thought they were going to get. He explained that the School Board determines how every dollar is going to be spent, and he encouraged the citizens to contact the School Board to discuss how money is spent.

CONSENT CALENDAR

Chairman Burgett asked that Item No. 6 be removed from the Consent Calendar.

Mr. Zaremba asked that Item No. 9 be removed from the Consent Calendar.

Mrs. Noll then moved that the Consent Calendar be approved as amended, Item Nos. 4, 5, 7 and 8, respectively.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Burgett
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 4. APPROVAL OF MINUTES.

The minutes of the following meetings of the York County Board of Supervisors were approved:

February 12, 2003, Adjourned Meeting
February 15, 2003, Adjourned Meeting
February 18, 2003, Regular Meeting

Item No. 5. COMMENDATION OF COUNTY EMPLOYEE: Resolution R03-54.

A RESOLUTION TO COMMEND MARY S. SODERGREN, YORK
COUNTY HOUSING SPECIALIST, ON THE OCCASION OF HER RE-
TIREMENT

WHEREAS, Mary S. Sodergren, began employment August 30, 1985, and on March 31, 2003, is retiring from her present position as Housing Specialist after 17 years of service; and

WHEREAS, Mrs. Sodergren began her employment with the County as a Homemaker Program Instructor in 1985; and became an instructor for Home Health Aides as part of the County's on-going efforts to promote self-sufficiency; and

WHEREAS, Mrs. Sodergren became the Teacher/Program Coordinator for the County's Certified Nurses Aid program in 1991 and provided outstanding instruction to candidates seeking employment in the field of nursing; and

WHEREAS, In addition to her part-time duties as Teacher/Program Coordinator, Mrs. Sodergren became a part-time Housing Specialist in the Division of Housing and Neighborhood Revitalization and provided case management and rental assistance to housing clients, and in October 2000, transitioned to a full-time Housing Specialist responsible for a caseload of over seventy (70) clients; primarily the aged, handicapped and disabled; and

WHEREAS, throughout her employment, Mrs. Sodergren has always exemplified a diligent and thorough approach to her work and has always provided outstanding service to the citizens of York County;

NOW, THEREFORE, BE IT RESOLVED that at this time of her retirement, an expression of appreciation be conveyed to Mrs. Sodergren on behalf of the County of York, its staff and the countless citizens who have benefited from her caring and her many contributions; and

BE IT STILL FURTHER RESOLVED that the Board of Supervisors offers the very best wishes to her and to her loved ones for a rewarding and pleasurable retirement.

Item No. 7. STREET ACCEPTANCES: Resolutions R03-47; R03-48, and R03-52.

Resolution R03-47:

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF
TRANSPORTATION TO INCLUDE A STREET IN WYTHE CREEK
FARMS, SECTION FOUR, INTO THE SECONDARY SYSTEM OF
STATE HIGHWAYS

WHEREAS, the following street, which is shown on a plat recorded in the Clerk's Office of the Circuit Court of York County, has been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has inspected this street and found it to be acceptable for maintenance; and

March 18, 2003

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form SR-5A, plus the necessary easements for cuts, fills, and drainage for this street;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 18th day of March, 2003, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the street described on the following Form SR-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Wythe Creek Farms, Section Four, and to the Resident Engineer of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted March 18, 2003

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

Report of Changes in the Secondary System of State Highways

Form SR-5A

Secondary Roads Division 5/1/99

Project/Subdivision

Wythe Creek Farms, Section Four

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Brentmeade Drive, Route 1717

Description: **From:** Route 1716 (Rockmor Lane)

To: Route 1716 (Rockmor Lane)

A distance of: 0.33 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 10/03/2000, Plat Book 13, Pages 179-180, with a width of 50'

Resolution R03-48:

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF
TRANSPORTATION TO INCLUDE A STREET IN TIDEMILL ES-
TATES, SECTION THREE, INTO THE SECONDARY SYSTEM OF
STATE HIGHWAYS

WHEREAS, the following street, which is shown on a plat recorded in the Clerk's Office of the Circuit Court of York County, has been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has inspected this street and found it to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form SR-5A, plus the necessary easements for cuts, fills, and drainage for this street;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 18th day of March, 2003, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the street described on the following Form SR-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Tidemill Estates, Section Three, and to the Resident Engineer of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted March 18, 2003

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

Report of Changes in the Secondary System of State Highways

Form SR-5A

Secondary Roads Division 5/1/99

Project/Subdivision

Tidemill Estates, Section Three

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

March 18, 2003

Denise Drive, Route 1536

Description: **From:** Route 1593 (Sanctuary Cove)
 To: Route 1537 (Pageland Drive)
 A distance of: 0.21 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on
01/03/1975, Plat Book 9, Page 11, and on 09/27/1996, Plat Book 12, Pages
408-409, and on 03/28/2000, Plat Book 13, Pages 108-110, with a width of 50'

Resolution R03-52:

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF
TRANSPORTATION TO INCLUDE A STREET IN THE BARBEE SUB-
DIVISION INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the following street, which is shown on a plat recorded in the Clerk's Office of the Circuit Court of York County, has been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has inspected this street and found it to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form SR-5A, plus the necessary easements for cuts, fills, and drainage for this street;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 18th day of March, 2003, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the street described on the following Form SR-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of The Barbee Subdivision and to the Resident Engineer of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted March 18, 2003

The following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

Report of Changes in the Secondary System of State Highways

Form SR-5A

Secondary Roads Division 5/1/99

Project/Subdivision

Barbee Subdivision

Type of Change: **Addition**

The following additions to the Secondary System of State Highways, pursuant to

the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: **§33.1-229**

Route Number and/or Street Name

Barbee Circle, State Route Number 1520

Description: **From:** Route 1520 (Kitty Circle)
 To: End of cul-de-sac
 A distance of: 0.03 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 11/29/1999, Plat Book 13, Page 64, and on 10/12/1965, Plat Book 7, Page 163, with a width of 50'

Item No. 8. GRANT ACCEPTANCE: Resolution R03-45.

A RESOLUTION TO ACCEPT AND APPROPRIATE FY02 DEPARTMENT OF JUSTICE GRANT FUNDS IN THE AMOUNT OF \$31,001 FOR RESPONDER EQUIPMENT AND OTHER EQUIPMENT ESSENTIAL TO SUPPORT THE MISSION OF THE DEPARTMENT OF FIRE AND LIFE SAFETY AND THE SHERIFF'S OFFICE

WHEREAS, the County is vulnerable to the threat of terrorism and, in particular, the use of Weapons of Mass Destruction (WMD), and the Department of Fire and Life Safety, as well as the Sheriff's Office, are the first responders to such events; and

WHEREAS, the U. S. Department of Justice is making funds available to localities to assist in their preparation efforts; and

WHEREAS, the Virginia Department of Emergency Management has been designated as state manager of these grants; and

WHEREAS, the funding purchases authorized by these grants are restricted to a specified and limited commodity list and do not require a local match; and

WHEREAS, the County has been awarded \$31,0001 by the Department of Justice and the Virginia Department of Emergency Management;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 18th day of March, 2003, that the County Administrator be and hereby is authorized to accept and appropriate grant funds in the General Fund in the amount of \$31,001 toward the purchase of equipment and other commodities as specified in notification of funding and according to needs identified by both the Department of Fire and Life Safety and the Sheriff's Office, and to

March 18, 2003

execute any necessary grant agreements, related contracts, or other documents, subject to approval as to form by the County Attorney, to provide such additional information as may be required by the terms of the grant agreement, and to do all things necessary to implement the U. S. Department of Justice Grant Program.

BE IT FURTHER RESOLVED that additional funds received through the U. S. Department of Justice Grant Program be, and hereby are, appropriated in the General Fund to support the mission of the Department of Fire and Life Safety and the Sheriff's Office.

Meeting Recessed: At 7:54 p.m. Chairman Burgett declared a short recess.

Meeting Reconvened: At 8:05 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

YORKTOWN LAND EXCHANGE (Joint Public Hearing with the Colonial National Historical Park)

Mr. McReynolds made a presentation on proposed Resolution R03-51 to approve a land exchange agreement with the National Park Service to convey to the Park Service a parcel of 4.6 acres in exchange for interests in several parcels of land owned by the Park Service in Yorktown.

Mr. Alec Gould, Superintendent for Colonial National Historical Park, appeared before the Board in support of the land exchange, and to answer any questions the Board may have. He stated he was quite happy to support this land exchange between the County and the National Park Service (NPS). He explained if the progress in Yorktown was going to continue to move forward, the land exchange was essential. He noted that the County requires a public hearing for land transfers and invited comments from the public as well. He proceeded to describe each property in detail, and finalized his presentation by praising the County for working in conjunction with the NPS. He then commended Bob Kraus for his efforts to help these transitions take place, and he presented Mr. Kraus with a picture of the Yorktown Battlefield.

Chairman Burgett then called to order a public hearing on proposed Resolution R03-51 which was duly advertised as required by law and is entitled:

A RESOLUTION TO APPROVE A LAND EXCHANGE AGREEMENT
WITH THE NATIONAL PARK SERVICE BY WHICH THE COUNTY
SHALL CONVEY TO THE NATIONAL PARK SERVICE A PARCEL
CONSISTING OF 4.6 ACRES, BEING YORK COUNTY TAX MAP
PARCEL # 18-107, IN EXCHANGE FOR INTERESTS IN SEVERAL
PARCELS OF LAND OWNED BY THE NATIONAL PARK SERVICE IN
THE VICINITY OF YORKTOWN

Mr. Walt Akers, 110 Kenneth Drive, President of the Fifes & Drums of Yorktown, spoke in support of the agreement and thanked everyone involved in making it happen. He displayed a picture of Yorktown's Main Street taken in 1905 and talked about some of the improvements since that time. He discussed the proposed new Fifes & Drums headquarters, stating he was elated at the possibility of the Corps having a larger space. A building fund to help with the

costs associated with a new building has been established, and Mr. Akers thanked both the County and the National Park Service for this cooperative effort.

There being no one else present who wished to speak concerning the subject resolution, Chairman Burgett closed the public hearing.

Mr. Zaremba questioned the different colors and its meaning on the presentation map.

Mr. Gould explained that not all properties were to be transferred to the county in fee simple; some of them are easements.

Mrs. Noll asked if the agreement would preclude the County asking for an act of Congress to purchase the property.

Mr. Gould stated that could be another possibility if what was in place now did not work out for some reason.

Mr. Wiggins then thanked Mr. Gould for all of his work in this endeavor and stated he was excited for the Fifes & Drums Corps.

Mr. Shepperd mentioned the deed and agreement conditions and asked if the County could modify or build anything on these properties without the Park Service's agreement.

Discussion ensued regarding the deed and agreement conditions.

Mrs. Noll then moved the adoption of proposed Resolution R03-51 which reads:

A RESOLUTION TO APPROVE A LAND EXCHANGE AGREEMENT
WITH THE NATIONAL PARK SERVICE BY WHICH THE COUNTY
SHALL CONVEY TO THE NATIONAL PARK SERVICE A PARCEL
CONSISTING OF 4.6 ACRES, BEING YORK COUNTY TAX MAP
PARCEL # 18-107, IN EXCHANGE FOR INTERESTS IN SEVERAL
PARCELS OF LAND OWNED BY THE NATIONAL PARK SERVICE IN
THE VICINITY OF YORKTOWN

WHEREAS, the County owns a 4.6-acre parcel of land on Cook Road near Surrender Field referred to in land records of the National Park Service as Tract 02-149 (York County tax map parcel number 18-107 and GPIN number P10d-4497-2476) which the United States, acting through its National Park Service (NPS), desires to acquire to be used as part of Colonial Battlefield National Historical Park; and

WHEREAS, the County desires to acquire an interest in each of the following parcels, each identified below by NPS tract number and also shown on the map attached to the County Administrator's memorandum of March 7, 2003 which the National Park Service currently owns, each parcel being further described in a document titled "Environmental Assessment - Yorktown Land Exchange and Land Use Written Agreements" dated March 4, 2003, on file in the County Administrator's Office:

- ? Tract 01-129 currently used as a portion of the York-Poquoson Courthouse Parking Lot, to be acquired in fee, subject to conditions requiring the tract to continue to be used for public parking and landscaped open space.

March 18, 2003

- ? Tract 05-157 located on Bacon Street, to be acquired in fee for future residential development.
- ? Tract 05-160 which is currently used for a public walkway for York Hall, to be acquired as an easement for continued use of the parcel as a public walkway and open space, subject to conditions limiting development or excavation, such easement to terminate upon discontinuance of use as a pedestrian walkway.
- ? Tract 05-163 located off Main Street near Route 17, to be acquired in fee for a future storm water retention basin.
- ? Tract 01-136 located along Ballard Street to be acquired as an easement for a pedestrian trail along Ballard Street from Bacon Street to Read Street.
- ? Tract 05-167 located on Church Street to be acquired as an easement, which could be used for a future building for the Fife and Drum Corps; and

WHEREAS, the County desires to develop, maintain and use the following National Park Service Property as identified in the County Administrator's memorandum under renewable land use agreements:

- ? "Yorktown Riverwalk Connection Property" for the Riverwalk Project.
- ? "York River Waterfront Property at Yorktown Creek" for the Riverwalk Project.
- ? "York River Picnic Area Property in order to improve and maintain the beach area, picnic area, restrooms, and parking facilities.
- ? "Ballard Street to Church Street Road Way Connection Property" in order to construct a connection road between Ballard Street to the National Park Service Parking lot on Church Street.
- ? "Archer Cottage Parking Lot Property" for the construction of a new parking lot near the Archer Cottage; and

WHEREAS, the Board is willing to acquire the above-described interests in real property in exchange for the County's property located on Cook Road and the payment by the County to the National Park Service of the sum of Fifty-Six Thousand Three Hundred Dollars (\$56,300.00) to equalize the value of the exchange as determined by independent appraisals;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of March, 2003, that the County Administrator be, and he hereby is, authorized to exchange property with the National Park Service as outlined above and to procure services and to do all things necessary associated with the proposed land exchange and with the National Park Service Land Use Agreements without further action by this Board, all deeds and other documents to be approved as to form by the County Attorney, provided that the total cost of said purchases shall not exceed available funding.

BE IT FURTHER RESOLVED that the County Administrator be and is hereby authorized to execute National Park Service Land Use Agreements for the five National Park Service properties outlined above.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Shepperd, Zaremba, Burgett
Nay: (0)

AMENDMENTS TO THE YORK COUNTY CODE: REGIONAL JAIL ADMISSIONS PROCESSING FEE

Mr. Barnett made a presentation on proposed Ordinance No. 03-7 to add a new section to the York County Code to impose a \$25.00 processing fee upon admissions to a County or Regional Jail, and to amend Section 1-14.1 to impose a \$5.00 assessment as part of costs in criminal and traffic convictions in the Juvenile and Domestic Relations District Court.

Chairman Burgett called to order a public hearing on proposed Ordinance No. 03-7 which was duly advertised as required by law and is entitled:

AN ORDINANCE TO ADD A NEW SECTION 1-14.2 TO CHAPTER 1, GENERAL PROVISIONS, TO IMPOSE A \$25.00 PROCESSING FEE UPON ADMISSIONS TO A COUNTY OR REGIONAL JAIL, AND AMENDING SECTION 1-14.1 TO IMPOSE A \$5.00 ASSESSMENT AS PART OF COSTS IN CRIMINAL AND TRAFFIC CONVICTIONS IN JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

There being no one present who wished to speak concerning the subject ordinance, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Ordinance R03-7 which reads:

AN ORDINANCE TO ADD A NEW SECTION 1-14.2 TO CHAPTER 1, GENERAL PROVISIONS, TO IMPOSE A \$25.00 PROCESSING FEE UPON ADMISSIONS TO A COUNTY OR REGIONAL JAIL, AND AMENDING SECTION 1-14.1 TO IMPOSE A \$5.00 ASSESSMENT AS PART OF COSTS IN CRIMINAL AND TRAFFIC CONVICTIONS IN JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

WHEREAS, Section 15.2-1613.1 of the Code of Virginia provides that any county or city by ordinance may authorize a processing fee not to exceed \$25.00 to be imposed on any individual admitted to a county, city, or regional jail following conviction; and

WHEREAS, the York County Board of Supervisors desires to impose a \$25.00 processing fee, as so authorized; and

WHEREAS, by Ordinance 02-20, the York County Board of Supervisors adopted County code section 1-14.1 to authorize a \$5.00 assessment as part of costs in criminal or traffic convictions as authorized by Code of Virginia section 53.1-120, such assessment having been levied only in the general district court and the circuit court of York County; and

WHEREAS, the Board desires to amend County code section 1-14.1 to make the \$5.00 processing fee applicable in the juvenile and domestic relations district court as well as in the general district court and circuit court.

NOW, THEREFORE, BE IT ORDAINED, by the York County Board of Supervisors that the County Code of York County is hereby amended by adding a new section 1-14.2, and by amending section 1-14.1, as follows:

Sec. 1-14.1. Same—Assessments for civil and criminal convictions for the Funding of Courthouse Security Personnel.

Pursuant to Code of Virginia section 53.1-120, the sum of five dollars (\$5.00) is hereby assessed as part of the costs in each criminal and traffic conviction in the district courts or circuit court of York County in which the defendant is convicted of any statute or ordinance, for the purpose of funding courthouse security personnel. The assessment shall be collected by the clerk of court in which the case is heard and remitted to the treasurer of the County of York, Virginia, to be held by the treasurer subject to appropriation by the board of supervisors to the sheriff's office. This provision shall expire on July 1, 2004, unless the Virginia General Assembly shall duly amend Code of Virginia Section 53.1-120(D) to extend or eliminate the expiration date set out therein, in which event this County Code section 1-14.1 shall continue in effect for so long as authorized by the statute, as amended.

BE IT FURTHER ORDAINED by the York County Board of Supervisors that the County Code of York County is hereby amended by adding a new section 1-14.2 as follows:

Sec. 1-14.2. Same—processing fee upon admission to county or regional jail following a conviction.

A processing fee of twenty-five dollars (\$25.00) shall be assessed by the district courts and circuit court of York County on any individual admitted to a county or regional jail following conviction in such court. Such fee shall be ordered as a part of court costs collected by the clerk of the court in which the conviction occurred and deposited into the account of the county treasurer. The treasurer shall hold such funds in a separate account subject to disbursement by the board of supervisors to the sheriff's office to defray the costs of processing arrested persons into the local or regional jails.

On roll call the vote was:

Yea: (5) Wiggins, Shepperd, Zaremba, Noll, Burgett
Nay: (0)

UTILITY EASEMENT VACATION

Mr. Barnett made a presentation on proposed Ordinance No. 03-10 to vacate a utility easement in the Panther Place Subdivision.

Chairman Burgett called to order a public hearing on proposed Ordinance No. 03-10 which was duly advertised as required by law and is entitled:

AN ORDINANCE TO VACATE A PORTION OF A DRAINAGE AND
UTILITY EASEMENT AFFECTING CERTAIN PARCELS ALONG WIL-
KINS DRIVE IN PANTHER PLACE SUBDIVISION

There being no one present who wished to speak concerning the subject ordinance, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Ordinance No. 03-10 which reads:

AN ORDINANCE TO VACATE A PORTION OF A DRAINAGE AND
UTILITY EASEMENT AFFECTING CERTAIN PARCELS ALONG WIL-
KINS DRIVE IN PANTHER PLACE SUBDIVISION

WHEREAS, by recordation of the subdivision plat for Panther Place subdivision, among the land records of York County, in Plat Book 12, page 47, various drainage and utility easements were created; and

WHEREAS, the County's Department of Environmental and Development Services has determined that a certain portion of the dedicated drainage and utility easements, namely, that portion of such easements lying across Lots 2, 3 and 4, and a portion of Lot 1, as shown on the subdivision plat, are superfluous and may be vacated; and

WHEREAS, following a duly advertised public hearing, the Board has determined that the vacation of the superfluous easements is in the public interest.

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this 18th day of March, 2003, that the County Administrator be, and is hereby authorized, for and on behalf of the Board, to execute an instrument vacating a certain portion of a drainage and utility easement shown on the subdivision plat for Panther Place, and recorded among the York County land records in Plat Book 12, page 47, and namely, that portion of a 20' drainage and utility easement lying across the westernmost borders of Lots 2, 3, and 4, and lying ten feet on either side of the common boundary line of Lots 1 and 2, such deed to be approved as to form by the County Attorney, and recorded among the land records of York County.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Wiggins, Burgett
Nay: (0)

CONSENT CALENDAR (continued)

Item No. 6. APPROPRIATION FOR HAMPTON ROADS METROPOLITAN MEDICAL RESPONSE SYSTEM: Proposed Resolution R03-56. (Removed from the Consent Calendar)

Chairman Burgett asked if the \$125,000 given to the County by the Hampton Roads Planning District Commission would be reappropriated to the correct people.

Mr. McReynolds stated it would.

Chairman Burgett then moved proposed Resolution R03-56 which reads:

A RESOLUTION TO APPROPRIATE FUNDING AS COMMITTED BY
THE HAMPTON ROADS PLANNING DISTRICT COMMISSION AND
TO AUTHORIZE THE COUNTY ADMINISTRATOR TO PURCHASE
COMMUNICATIONS EQUIPMENT FOR THE HAMPTON ROADS
METROPOLITAN MEDICAL RESPONSE SYSTEM

WHEREAS, the Hampton Roads Metropolitan Medical Response System (HRMMRS) has been developed to provide major medical response support to the Hampton Roads localities including York County, as a result of weapons of mass destruction/terrorism incidents and/or other major disasters with significant victims; and

WHEREAS, the Hampton Roads Planning District Commission (HRPPDC) serves as the fiscal agent for the HRMMRS and, as such, has committed to funding and has authorized through a purchase order the County to procure on behalf of the HRPDC certain HRMMRS communications equipment.

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that it involves the expenditure of \$30,000 or more, and that all applicable laws, ordinances and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 18th day of March, 2003, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for communications equipment, without further action by the Board, provided that all purchases do not exceed funds available for said purpose approved by the Board of Supervisors.

BE IT FURTHER RESOLVED that funds in the total amount of \$125,000 be, and hereby are, appropriated in County Capital Fund for the purchase of communications equipment for use in the Hampton Roads Metropolitan Medical Response System.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Burgett
Nay: (0)

Item No. 9. PURCHASE AUTHORIZATION: Proposed Resolution R03-50 (Removed from the Consent Calendar)

Mr. Zaremba asked if the County had similar contracts for the other youth programs such as baseball, football, etc.

Mrs. Anne Smith, Director of Community Services, appeared to address Mr. Zaremba's concerns. She stated the County had a variety of small contracts that allow the necessary expertise whether it's officiating or instructional contracts through the Parks and Recreation Division. She stated the contracts were compiled through cooperative efforts between the County Attorney's office and the staff of Parks and Recreation.

Mr. Zaremba then moved proposed Resolution R03-50 which reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A THREE-YEAR CONTRACT FOR SERVICES OF SOC-
CER OFFICIALS

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that it involves the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 18th day of March, 2003, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for the following:

| | <u>AMOUNT</u> |
|-------------------------------------|---------------|
| Soccer Officials services (3 years) | \$36,120 |

On roll call the vote was:

Yea: (5) Noll, Wiggins, Shepperd, Zaremba, Burgett
Nay: (0)

CLOSED MEETING. At 8:43 p.m. Mr. Shepperd moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions.

On roll call the vote was:

Yea: (5) Wiggins, Shepperd, Zaremba, Noll, Burgett
Nay: (0)

Meeting Reconvened. At 8:50 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED MEET-
ING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

March 18, 2003

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of March, 2003, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Wiggins, Burgett
Nay: (0)

APPOINTMENT TO THE TRANSPORTATION SAFETY COMMISSION

Mr. Zaremba moved the adoption of proposed Resolution R03-46 that reads:

A RESOLUTION TO APPOINT A MEMBER TO THE YORK COUNTY
TRANSPORTATION SAFETY COMMISSION

WHEREAS, Charlotte L. Haywood will complete her term on the York County Transportation Safety Commission on March 31, 2003; and

WHEREAS, Ms. Haywood does not wish to be considered for reappointment;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of March, 2003, that the following individual be, and is hereby, appointed to serve on the York County Transportation Safety Commission for a term to begin on April 1, 2003 and expire on March 31, 2006:

Scott M. Bergeron

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Burgett
Nay: (0)

APPOINTMENT TO THE PENINSULA DISABILITY SERVICES BOARD

Mr. Shepperd moved the adoption of proposed Resolution R03-53 that reads:

A RESOLUTION TO REAPPOINT A YORK COUNTY GOVERNMENTAL
REPRESENTATIVE TO THE PENINSULA DISABILITIES SERVICES BOARD

BE IT RESOLVED by the York County Board of Supervisors this 18th day of March, 2003, that Francis J. Rogers, be and he is hereby, reappointed to the Peninsula Disabilities

Services Board for a term of three years, such term to begin on April 1, 2003, and end March 31, 2006.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Shepperd, Zaremba, Burgett
Nay: (0)

APPOINTMENT TO THE COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

Mr. Wiggins moved the adoption of proposed Resolution R03-57 that reads:

A RESOLUTION TO APPOINT A YORK COUNTY REPRESENTATIVE
TO THE COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

BE IT RESOLVED by the York County Board of Supervisors this 18th day of March, 2003, that Walter C. Zaremba, be, and he is hereby, appointed as a York County representative to the Colonial Community Criminal Justice Board to fill the unexpired term of Thomas G. Shepperd, Jr., such term to begin immediately and expire December 31, 2003.

On roll call the vote was:

Yea: (5) Wiggins, Shepperd, Zaremba, Noll, Burgett
Nay: (0)

APPOINTMENT TO THE STORMWATER ADVISORY COMMITTEE

Mrs. Noll moved the adoption of proposed Resolution R03-41 that reads:

A RESOLUTION TO APPOINT MEMBERS TO THE STORMWATER
ADVISORY COMMITTEE

BE IT RESOLVED by the York County Board of Supervisors this the 18th day of March, 2003, that the following individuals be, and they are hereby, appointed as voting members to the York County Stormwater Advisory Committee, such appointments to take effect immediately, and expire on March 31, 2007.

| | |
|---------------------|------------|
| William R. Beechel | District 2 |
| Christopher Garrett | At-Large |

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Wiggins, Burgett
Nay: (0)

Meeting Adjourned. At 9:52 p.m. Mr. Shepperd moved that the meeting be adjourned to 6:00 p.m., Thursday, March 20, 2003, in the East Room, York Hall, for the purpose of conducting a work session.

March 18, 2003

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Burgett

Nay: (0)

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors